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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 INFOBIP, LTD., a United Kingdom Private
14 Limited Company,

15 Plaintiff,
16 vs.

17 RINGCAPTCHA, INC., a foreign Delaware
18 Corporation, and DOES 1 through 10,

19 Defendants.

20 Case No. 2:22-cv-01244-APG-BNW

21 **STIPULATION AND ORDER TO
22 EXTEND TIME AND FOR ENTRY OF
23 AMENDED DISCOVERY PLAN AND
SCHEDULING ORDER
(FIRST REQUEST)**

24 Pursuant to LR IA 6-1, LR IA 6-2, and LR 26-3, Plaintiff INFOBIP, LTD. (“Plaintiff”)
25 and Defendant RINGCAPTCHA, INC. (“Defendant”), by and through their undersigned counsel,
26 hereby submit this Stipulation and Order to Extend Time and for Entry of Amended Discovery
27 Plan and Scheduling Order (First Request). This is the first request for an extension of time
concerning this case’s discovery deadlines and seeks to extend the discovery deadline by 90 days.

28 On October 27, 2022, the parties submitted their proposed Discovery Plan, Scheduling
Order and Special Scheduling Review, which, *inter alia*, requested a 240 day limit for completing
discovery for the following reasons:

29 a. This matter involves a series of international transactions between two
30 companies involving messaging services. The contract dispute arose as a
31 result of price increase, which Defendant alleges were not communicated in
32 advance, nor in a timely manner.

- 1 b. The parties believe ESI evidence for discovery purposes may involve
2 servers abroad including London, United Kingdom, Vancouver, British
3 Colombia, and one (1) local server for the defendant/counterclaimant,
4 Ringcaptcha.
- 5 c. The parties anticipate foreign depositions will be required and may include
6 depositions in London. The parties are willing to accommodate remote
7 appearances for international depositions.
- 8 d. The parties anticipate discovery in Pakistan and Saudi Arabia will have to
9 proceed under the International Hague Convention.

10 (ECF No. 17.)

11 As a result, the Court ordered the same and effectively set the discovery deadline as May
12 8, 2023 given that May 7, 2023 is a Sunday pursuant to the Court's Order Granting Discovery
13 Plan and Scheduling Order. (ECF No. 18.)

- 14 A. **Statement specifying the discovery completed**
 - 15 1. On December 7, 2022, Defendant served its Initial FRCP 26(a) Disclosure.
 - 16 2. On December 8, 2022, Plaintiff served its Initial FRCP 26(a) Disclosure.
 - 17 3. On March 8, 2023, Plaintiff served its first sets of interrogatories, requests for
production, and requests for admissions.
 - 19 4. On March 16, 2023, Defendant served its first sets of interrogatories, requests for
production, and requests for admissions.

- 21 B. **Specific description of the discovery that remains to be completed**
 - 22 1. Defendant's responses to Plaintiff's first sets of interrogatories, requests for
production, and requests for admissions.
 - 24 2. Plaintiff's responses to Defendant's first sets of interrogatories, requests for
production, and requests for admissions.
 - 26 3. Deposition of Plaintiff pursuant to FRCP 30(b)(6).
 - 27 4. Deposition of Defendant pursuant to FRCP 30(b)(6).

5. Any other discovery that becomes necessary after the above discovery is completed.

C. The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan

1. The parties engaged in settlement discussions for several weeks at the outset of this case.

2. On March 29, 2023, Defendant requested a thirty-day extension to respond to Plaintiff's first set of discovery requests because the individuals necessary to respond to Plaintiff's discovery responses needed more time due to the Silicon Valley Bank collapse.

3. Plaintiff granted Defendant's request conditioned upon a reciprocal extension for Plaintiff to respond to Defendant's first set of discovery requests, which reciprocal extension Defendant granted.

4. The Parties agree that amending the Order Granting Discovery Plan and Scheduling Order is necessary to accommodate the parties' courtesy extensions to respond to written discovery and submit the foregoing establishes good cause for the extensions.

D. [Proposed] schedule for completing all remaining discovery

1. The deadline for completion of discovery shall be extended to **August 7, 2023**.

2. The deadline for motions to amend the pleadings or adding parties shall remain closed.

3. The deadline for the completion of expert witness disclosures shall remain closed.

4. The deadline for filing dispositive motions shall be extended to be no later than 30 days after the discovery cut-off or **September 6, 2023**.

5. The date by which the parties shall file a joint pre-trial order shall be extended to no later than 30 days after the dispositive motion deadline or **October 6, 2023**.

6. In the event a dispositive motion is filed, or are filed, a the date for filing a joint pretrial order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of this court.

1 This stipulation is brought in good faith and not for purposes of delay. Upon the Court
2 approving this Stipulation and Order, it shall serve as the Amended Discovery Plan and
3 Scheduling Order applicable and controlling in this case.

4 Dated this 14th day of April 2023.

Dated this 14th day of April 2023.

5 **HOWARD & HOWARD ATTORNEYS
6 PLLC**

**GORDON REES SCULLY
MANSUKHANI LLP**

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13 **ORDER**

14 **IT IS SO ORDERED**

15 **DATED:** 11:23 am, April 17, 2023

16 

17 **BRENDA WEKSLER
18 UNITED STATES MAGISTRATE JUDGE**

22 4877-4151-6124, v. 1